



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX

75 Hawthorne Street
San Francisco, CA 94105

November 6, 1991

FAX (415) 397-1339

Margaret A. Pietrasz, Esquire
JAFEE, TRUTANICH, SCATENA & BLUM
250 Montgomery Street
San Francisco, CA 94104

Re: Petroleum Recycling Corporation
TSCA-09-91-0002

Dear Ms. Pietrasz:

We are in receipt of your letter of October 31, 1991, regarding the above-entitled administrative enforcement action. You will recall that your letter requests that the proposed Consent Agreement and Final Order be modified to provide for payment of the penalty assessed thereby by installments of \$5,000.00 per month.

The Complainant and Notice of Opportunity for Hearing in this matter was filed approximately eleven months ago. Prudent accounting practices would require the recording of a potential claim against the corporation's assets thereby encumbering the profits of the subject corporation by the amount of the proposed penalty.

We do not have the resources required to engage in a long term transaction. We are, however, prepared to offer to delay payment of the penalty for ninety days after receipt by your client of the fully executed Consent Agreement. If this compromise is acceptable to you we ask that you acknowledge this letter in the space provided below and then return the original and two copies of the executed Consent Agreement now in your hands and we shall modify the Final Order to conform to this letter.

Sincerely yours,

David M. Jones
Assistant Regional Counsel

Acknowledged

JAFFE, TRUTANICH, SCATENA & BLUM
A PROFESSIONAL LAW CORPORATION

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2344 TULARE STREET, SUITE 400
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FAX: (209) 486-8171

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FAX: (415) 397-1339

LOS ANGELES
615 WEST 9TH STREET
SAN PEDRO, CA 90721
TELEPHONE: (213) 548-0470
FAX: (213) 632-3394

TELECOPY TRANSMITTAL FORM

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COMPANY:

FROM:

REGARDING:

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If there is a problem with receipt of this transmission, please contact David Jones at 415/397-9006. Client No. 156-0874

JAFFE, TRUTANICH, SCATENA & BLUM
A PROFESSIONAL LAW CORPORATION

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FAX: (415) 397-1339

LOS ANGELES
615 WEST 9TH STREET
SAN PEDRO, CA 90731
TELEPHONE: (213) 548-0410
FAX: (213) 832-3394

PLEASE REPLY TO: SAN FRANCISCO

Via Facsimile and US Mail

November 13, 1991

Mr. David M. Jones
Assistant Regional Counsel
Environmental Protection Agency
Region 9
75 Hawthorne Street
San Francisco, CA 94105

RE: Petroleum Recycling Corporation
Docket No. TSCA-09-91-0002

Dear Mr. Jones:

Enclosed are two originals of the Consent Agreement and Final Order in the matter captioned above, which have been executed by PRC.

PRC agrees to the ninety day time frame in which to submit its payment of the negotiated \$35,000 settlement amount. Please forward to me the executed revised Final Order reflecting this change. I would also appreciate receiving a copy of the fully executed Consent Agreement and Final Order.

Thank you very much for your cooperation in this matter. It has been a pleasure working with you and your associates. I hope that we have the opportunity to meet again sometime.

Very truly yours,

JAFFE, TRUTANICH, SCATENA & BLUM


MARGARET A. PIETRASZ

MAP/klc
156-374

cc: Kathleen Tripple

enclosure

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 9

In re:

PETROLEUM RECYCLING
CORPORATION,

Respondent.

Docket No. TSCA-09-91-0002

CONSENT AGREEMENT
AND
FINAL ORDER

I

This administrative proceeding for the assessment of a civil penalty was initiated pursuant to Section 16(a) of the Toxics Substances Control Act, as amended (T.S.C.A.), [15 U.S.C. § 2615(a)]. The action was instituted by a Complaint and Notice of Opportunity for Hearing (Complaint) issued on December 5, 1990. The Complaint, which is incorporated herein by this reference, charged Petroleum Recycling Corporation (Respondent) with the violation of 40 C.F.R. §§ 761.20 (e), 761.60(a) and (d), 761.65 and Section 15(1)(c) of T.S.C.A. [15 U.S.C. § 2614(1)(c)] at the facility operated by Respondent located at Signal Hill, California, Fontana, California and San Diego, California (Facility). Complainant is the United States Environmental Protection Agency (EPA), Region 9.

II

For the purpose of this proceeding, without trial or other actual litigation of the issue(s) or any adjudication of the facts set forth in the Complaint and in order to avoid disruption of orderly business activity and the expense of protracted and costly litigation, Respondent and Complainant admit and agree that the Regional Administrator, EPA Region 9, has jurisdiction of the subject matter of the action set out in the Complaint and over the parties thereto, pursuant to 15 U.S.C. § 2615 and 40 C.F.R. § 22.04(a). Respondent agrees not to contest the Complainant's jurisdiction to issue and enforce this Consent Agreement and Final Order.

III

Respondent neither admits nor denies the specific factual allegations set out in the Complaint. Respondent hereby waives any rights which it may have to an administrative or judicial hearing on any issue(s) of law or fact set forth in the Complaint including but not limited to its right under Section 16(a)(2)(A) of T.S.C.A. to request a hearing. Respondent consents to the terms of this Consent Agreement and Final Order. The terms of this Consent Agreement and Final Order constitute a full settlement of the civil administrative action filed under the docket number above. If Respondent fulfills the terms and conditions of this Consent Agreement and Final Order, Respondent shall be deemed to be in full satisfaction of the violation(s) charged in the Complaint and no other claims, injunctions or any other civil action will be brought or initiated by Complainant against Respondent based on, as a result of or in connection with the violations charged in the

Complaint.**IV**

By signing this Consent Agreement and Final Order, Respondent agrees to pay as the full amount of the civil penalty the sum of THIRTY-FIVE THOUSAND DOLLARS in lieu of the civil penalty proposed in the Complaint of SIXTY-FIVE THOUSAND DOLLARS. The penalty adjustment set forth herein above is based upon (1) Respondent's good faith efforts to come into compliance with T.S.C.A. and the implementing regulations and (2) the cooperation with the EPA during settlement negotiations in the form of representations by Respondent's representatives. In addition to payment of the civil penalty as set forth herein above, Respondent has agreed to perform certain tasks some of which are more fully described in a letter signed by Respondent and attached hereto and marked as Exhibit "A". The penalty payment shall be sent to:

EPA - Region 9
Regional Hearing Clerk
P. O. Box 360863M
Pittsburgh, PA 15251.

In the event Respondent issues any public statement regarding the supplement enforcement project described in Exhibit "A" and performed under this Article IV, Respondent shall include a statement that the commitment to perform such project by Respondent was in exchange for credit against penalties in settlement of an enforcement action brought by the EPA.

V

Respondent in executing this Consent Agreement and Final Order agrees that Respondent will use Respondent's best efforts to come into compliance with all applicable requirements of T.S.C.A. and the implementing regulations particularly the following:

1. Respondent shall implement the standards of 40 C.F.R. § 761.20(e) which requires the maintenance of certain records pertaining to PCBs including the specific items of information as enumerated in 40 C.F.R. § 266.43(b)(6)(i) and (ii). The Facility's records will be modified to include the information for which Respondent was cited in the Complaint only if such information is available.
2. Within thirty days after the execution of this Consent Agreement and Final Order by Respondent, Respondent shall certify to Complainant that Respondent has instituted policies which will preclude a repetition of the practices for which Respondent was cited in Count II of the Complaint. Along with the certification Respondent will provide Complainant with a copy of the policy documentation, documentation showing a tracking system for each load of waste oil received, incoming waste analysis, the generator, the storage location and the ultimate disposal of that waste oil load.
3. Respondent shall provide Complainant within forty-five days after the execution of this Consent Agreement and Final Order by Respondent with a narrative description of Respondent's efforts to comply with the regulations cited in Count III of the Complaint. The narrative will include but not be limited to Respondent's maintenance of an up dated SPCC Plan as described in Section 761.65(c)(7)(ii), record format to be used to maintain the records required in Section 761.65(c)(8).
4. Respondent shall use its best efforts to adopt Quality Assurance Requirements similar to those set forth in Exhibit "B" attached hereto and by this reference incorporated herein. To the extent the provisions of Exhibit "B" conflict or duplicate any other provisions in this Consent Agreement and Final Order, the provisions of Exhibit "B" shall prevail. Respondent shall submit to Complainant within ninety days after the execution of this Consent Agreement and Final Order by Respondent a showing that Respondent has complied with the provisions of this Item 4. Respondent shall provide a full description of the Quality Assurance Requirements adopted by Respondent.

Respondent shall certify to Complainant no later than ninety days after execution of this Agreement by Respondent, 1) that the Facility is being operated in full compliance with T.S.C.A. and the implementing regulations and 2) the status of the task set forth in Items 1 - 3 above.

In the event Respondent is unable to complete any of the tasks to be completed prior to certification and within the time set out herein, Complainant will extend the time for performance upon Respondent's written request, provided Respondent can demonstrate to Complainant's reasonable satisfaction that Respondent has used its best efforts to meet the time limitation set forth herein.

Respondent shall submit to Complainant within ten consecutive days after the end of each calendar quarter for a period of four consecutive calendar quarters on and after the date of execution of this Agreement by Respondent, a complete report which shall indicate the status of the projects set out as Items 1 - 4 and Exhibits "A" in this Article V above. In the event that Respondent has completed all of the tasks and submitted all of the documentation, the report will not be required.

All submissions under this Consent Agreement and Final Order shall be addressed as follows:

Greg Czajkowski, Chief
Toxics Section
Pesticides and Toxics Branch
Air and Toxics Division
United States Environmental Protection Agency
Region 9
75 Hawthorne Street
San Francisco, California 94105

Respondent hereby agrees that its failure to fulfill the obligations as set forth in this Article V shall constitute an additional violation of T.S.C.A. which may subject Respondent to a penalty in the same amount as proposed in the Complaint.

VI

This Agreement does not relieve Respondent from compliance with monitoring and enforcement actions for TSCA violations not addressed by this Agreement, including but not limited to all non-civil

CONSENT AGREEMENT AND FINAL ORDER - Page 5

enforcement actions, or from enforcement actions under laws administered by state or local environmental authorities, except where TSCA would preempt such laws and the specific violations are governed by this Agreement. Complainant and Respondent agree that this Consent Agreement and Final Order is being entered into by the parties to this administrative proceeding in full settlement of all liabilities which might have attached as a result of the allegations set forth in the Complaint.

VII


In executing this Consent Agreement and Final Order, Respondent agrees to pay the civil penalty in accordance with the conditions and time frames specified in the Final Order set forth below. In accordance with the Debt Collection Act of 1982 and U.S. Treasury (TFRM 6-8000), payment must be received within ^{thirty} ~~thirty~~ days after the execution of this Consent Agreement and Final Order to avoid additional charges. If not received within such time, interest will accrue from the date of execution at the current interest rate published by the U.S. Treasury. A late penalty charge of \$20.00 per thousand dollars of the proposed penalty will be imposed with an additional charge of \$10.00 for each subsequent 30-day period. A 6% per annum penalty will be applied on any principal amount not paid within ninety days of the due date. In addition, if payment is not made within the required time frame, Respondent shall be liable for the full amount of the civil penalty of SIXTY-FIVE THOUSAND DOLLARS as specified in the Final Order below.

VIII

The provisions of this Consent Agreement and Final Order shall be binding upon Respondent, its officers, directors, agents,

successors or assigns. Respondent's obligations under this Consent Agreement shall end when Respondent has performed all of the terms of the Consent Agreement in accordance with the Final Order. Complainant and Respondent consent to the entry of this Consent Agreement and Final Order without further notice.

Nov. 11, 1991
Date


Respondent, Petroleum Recycling Corp.
BY: R.D. McAuley, President

Date

Director,
Air and Toxics Division, EPA
Region 9

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FINAL ORDER

IT IS HEREBY ORDERED that this Consent Agreement and Final Order (Docket No. T.S.C.A.-09-90-0002) be entered and Respondent shall pay within thirty days after receipt of a fully executed copy of this Consent Agreement and Final Order by cashier's check or certified check, made payable to the Treasurer, United States of America, and addressed as follows:

EPA - Region 9
Regional Hearing Clerk
P. O. Box 360863M
Pittsburgh, PA 15251,

a civil penalty in the amount of THIRTY-FIVE THOUSAND DOLLARS. In the event Complainant determines that Respondent has failed to complete all of the tasks identified in Article V above within the specified time frames the balance of any unpaid portion of the full amount of the proposed penalty of SIXTY-FIVE THOUSAND DOLLARS shall be due within fifteen consecutive days after Respondent's receipt of an order of nonremittance. Such balance shall be paid by cashier's or certified check made payable to the Treasurer, United States of America and sent to the Pittsburgh address specified above. A copy of the check shall be sent to the EPA Region 9 address specified in Article V above within thirty days after the execution of this Consent Agreement and Final Order. This order shall become effective immediately.

Date

STEVEN W. ANDERSON
Regional Judicial Officer
EPA
Region 9

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street
San Francisco, CA 94105

November 6, 1991

FAX (415) 397-1339

Margaret A. Pietrasz, Esquire
JAFFEE, TRUTANICH, SCATENA & BLUM
250 Montgomery Street
San Francisco, CA 94104

Re: Petroleum Recycling Corporation
TSCA-09-91-0002

Dear Ms. Pietrasz:

We are in receipt of your letter of October 31, 1991, regarding the above-entitled administrative enforcement action. You will recall that your letter requests that the proposed Consent Agreement and Final Order be modified to provide for payment of the penalty assessed thereby by installments of \$5,000.00 per month.

The Complainant and Notice of Opportunity for Hearing in this matter was filed approximately eleven months ago. Prudent accounting practices would require the recording of a potential claim against the corporation's assets thereby encumbering the profits of the subject corporation by the amount of the proposed penalty.

We do not have the resources required to engage in a long term transaction. We are, however, prepared to offer to delay payment of the penalty for ninety days after receipt by your client of the fully executed Consent Agreement. If this compromise is acceptable to you we ask that you acknowledge this letter in the space provided below and then return the original and two copies of the executed Consent Agreement now in your hands and we shall modify the Final Order to conform to this letter.

Sincerely yours,

David M. Jones
Assistant Regional Counsel

Acknowledged

JAFFE, TRUTANICH, SCATENA & BLUM
A PROFESSIONAL LAW CORPORATION

FRESNO
2344 TULARE STREET, SUITE 400
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250 MONTGOMERY STREET
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SAN FRANCISCO, CA 94104
TELEPHONE: (415) 397-9006
FAX: (415) 397-1339

LOS ANGELES
618 WEST 9TH STREET
SAN PEDRO, CA 90731
TELEPHONE: (213) 546-0474
FAX: (213) 832-3394

TELECOPY TRANSMITTAL FORM

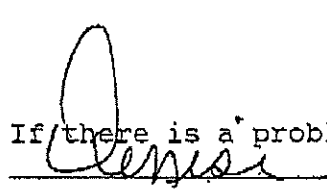
PLEASE REPLY TO: SAN FRANCISCO

DATE: 10-16-91
FAX NO.: 744-1041

PLEASE DELIVER THE FOLLOWING PAGES TO:

ATTENTION: David Jones
COMPANY: Environ Protection Agency
FROM: Meg PIETRASZ
REGARDING: _____

NUMBER OF PAGES BEING SENT INCLUDING THIS COVER PAGE 3


If there is a problem with receipt of this transmission, please contact Denise at 415/397-9006.

JAFFE, TRUTANICH, SCATENA & BLUM
A PROFESSIONAL LAW CORPORATION

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2344 TULARE STREET, SUITE 400
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LOS ANGELES
615 WEST 9TH STREET
SAN PEDRO, CA 90731
TELEPHONE: (213) 548-0410
FAX: (213) 832-3394

Via Facsimile and US Mail

PLEASE REPLY TO: SAN FRANCISCO

October 16, 1991

Mr. David M. Jones
Assistant Regional Counsel
Environmental Protection Agency
Region 9
75 Hawthorne Street
San Francisco, CA 94105

RE: Petroleum Recycling Corporation
Docket No. TSCA-09-91-0002

Dear Mr. Jones:

The purpose of this letter is to comment upon the Consent Agreement and Final Order which you recently forwarded to me.

Page 1 of the Consent Agreement and Final Order lists the address of the PRC facility as 2651 Walnut Avenue, Signal Hill. This is the address of the administrative office. The facility is located a block away at 1835 E. 29th Street, Signal Hill.

Page 3 of the Consent Agreement and Final Order, and the Final Order itself, state the amount of the penalty to be \$45,000 plus the undertaking of environmentally beneficial expenditures. This is not my understanding of the proposed penalty discussed in our meeting of February 20, 1991. It is my understanding (and my notes reflect) that EPA proposed a revised penalty of \$45,000 (a reduction of the proposed \$65,000 based on the information presented to EPA during the meeting and PRC's willingness to cooperate), with an amount equal to between 10% and 20% of the originally proposed penalty to be available as a further reduction, if appropriate environmentally beneficial expenditures were proposed and accepted. EPA stated that up to \$20,000 of the proposed \$45,000 could be offset by the environmentally beneficial expenditures.

Thus I believe the penalty amount in the Consent Agreement and Final Order should be \$25,000 plus the undertaking of the agreed environmentally beneficial expenditures. If the environmentally beneficial expenditures are not undertaken, the penalty amount would then be the full \$45,000.

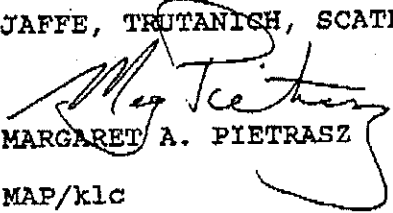
Mr. David Jones
October 16, 1991
Page 2

My clients are presently not in a financial position to make a lump sum payment of any penalty amount. We propose the penalty amount be paid in monthly installments of \$5,000, the first payment due within thirty days of execution of the Consent Agreement and Final Order.

If you have any questions regarding the above, please do not hesitate to contact me. I will be out of town from October 17 through October 21.

Very truly yours,

JAFFE, TRUTANISH, SCATENA & BLUM



MARGARET A. PIETRASZ

MAP/klc
156-374

cc: Kathleen Tripple

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 9

In re:

PETROLEUM RECYCLING
CORPORATION,

Respondent.

Docket No. TSCA-09-91-0002

CONSENT AGREEMENT
AND
FINAL ORDER

I

This administrative proceeding for the assessment of a civil penalty was initiated pursuant to Section 16(a) of the Toxics Substances Control Act, as amended (T.S.C.A.), [15 U.S.C. § 2615(a)]. The action was instituted by a Complaint and Notice of Opportunity for Hearing (Complaint) issued on December 5, 1990. The Complaint charged Petroleum Recycling Corporation (Respondent) with the violation of 40 C.F.R. §§ 761.20 (e), 761.60(a) and (d), 761.65 and Section 15(1)(c) of T.S.C.A. [15 U.S.C. § 2614(1)(c)] at the facility operated by Respondent located at 2651 Walnut Avenue, Signal Hill, California (Facility). Complainant is the United States Environmental Protection Agency (EPA), Region 9.

II

Respondent and Complainant admit and agree that the Regional Administrator, EPA Region 9, has jurisdiction of the subject matter of the action set out in the Complaint and over the parties thereto, pursuant to 15 U.S.C. § 2615 and 40 C.F.R. § 22.04(a). Respondent agrees not to contest the Complainant's jurisdiction to issue and enforce this Consent Agreement and Final Order.

III

Respondent neither admits nor denies the specific factual allegations set out in the Complaint. Respondent hereby waives any rights which it may have to a hearing on any issues set forth in the Complaint. Respondent consents to the issuance of this Consent Agreement and Final Order without adjudication.

IV

By signing this Consent Agreement and Final Order, Respondent agrees to pay as the full amount of the civil penalty the sum of SIXTY-FIVE THOUSAND DOLLARS. The penalty payment shall be sent to:

EPA - Region 9
Regional Hearing Clerk
P. O. Box 360863M
Pittsburgh, PA 15251.

V

Respondent in executing this Consent Agreement and Final Order agrees that Respondent will use Respondent's best efforts to come into compliance with all applicable requirements of T.S.C.A. and the implementing regulations particularly the following:

1. Respondent shall implement the standards of 40 C.F.R. § 761.20(e) which requires the maintenance of certain records pertaining to PCBs including the

specific items of information as enumerated in 40 C.F.R. § 266.43(b)(6)(i) and (ii). The Facility's records will be modified to include the information for which Respondent was cited in the Complaint only if such information is available.

2. / Respondent shall provide Complainant with the type and description of equipment and analytical methods used to test waste oil for PCBs. *Refer to QA/QC Report*
3. Within thirty days after the execution of this Consent Agreement and Final Order by Respondent, Respondent shall certify to Complainant that Respondent has instituted policies which will preclude a repetition of the practices for which Respondent was cited in Count II of the Complaint. Along with the certification Respondent will provide Complainant with a copy of the policy documentation, documentation showing a tracking system for each load of waste oil received, incoming waste analysis, the generator, the storage location and the ultimate disposal of that waste oil load. *Refer to QA/QC*
4. Respondent shall provide Complainant within forty-five days after the execution of this Consent Agreement and Final Order by Respondent with a narrative description of Respondent's efforts to comply with the regulations cited in Count III of the Complaint. The narrative will include but not be limited to Respondent's maintenance of an up dated SPCC Plan as described in Section 761.65(c)(7)(ii), record format to be used to maintain the records required in Section 761.65(c)(8).

Respondent shall certify to Complainant no later than ninety days after execution of this Agreement by Respondent, 1) that the Facility is being operated in full compliance with T.S.C.A. and the implementing regulations and 2) the status of the task set forth in Items 1 - 3 above.

In the event Respondent is unable to complete any of the tasks to be completed prior to certification and within the time set out herein, Complainant will extend the time for performance upon Respondent's written request, provided Respondent can demonstrate to Complainant's reasonable satisfaction that Respondent has used its best efforts to meet the time limitation set forth herein.

Respondent shall submit to Complainant within ten consecutive

days after the end of each calendar quarter for a period of four consecutive calendar quarters on and after the date of execution of this Agreement by Respondent, a complete report which shall indicate the status of the projects set out as Items 1 - 3 in this Article V above. In the event that Respondent has completed all of the tasks and submitted all of the documentation, the report will not be required.

All submissions under this Consent Agreement and Final Order shall be addressed as follows:

Greg Czajkowski, Chief
Toxics Section
Pesticides and Toxics Branch
Air and Toxics Division
United States Environmental Protection Agency
Region 9
75 Hawthorne Street
San Francisco, California 94105

Respondent hereby agrees that its failure to fulfill the obligations as set forth in this Article V shall constitute an additional violation of T.S.C.A. which may subject Respondent to a penalty in the same amount as proposed in the Complaint.

VI

This Agreement does not relieve Respondent from compliance with monitoring and enforcement actions for TSCA violations not addressed by this Agreement, including but not limited to all non-civil enforcement actions, or from enforcement actions under laws administered by state or local environmental authorities, except where TSCA would preempt such laws and the specific violations are governed by this Agreement. Complainant and Respondent agree that this Consent Agreement and Final Order is being entered into by the parties to this administrative proceeding in full settlement of all liabilities which might have attached as a result of the allegations set forth in CONSENT AGREEMENT AND FINAL ORDER - Page 4

the Complaint.

VII

In executing this Consent Agreement and Final Order, Respondent agrees to pay the civil penalty in accordance with the conditions and time frames specified in the Final Order set forth below. In accordance with the Debt Collection Act of 1982 and U.S. Treasury (TFRM 6-8000), payment must be received within thirty days after the execution of this Consent Agreement and Final Order to avoid additional charges. If not received within such time, interest will accrue from the date of execution at the current interest rate published by the U.S. Treasury. A late penalty charge of \$20.00 per thousand dollars of the proposed penalty will be imposed with an additional charge of \$10.00 for each subsequent 30-day period. A 6% per annum penalty will be applied on any principal amount not paid within ninety days of the due date.

VIII

The provisions of this Consent Agreement and Final Order shall be binding upon Respondent, its officers, directors, agents, successors or assigns. Complainant and Respondent consent to the entry of this Consent Agreement and Final Order without further notice.

Date

Respondent

Date

Director,
Air and Toxics Division, EPA
Region 9

///

///

FINAL ORDER

IT IS HEREBY ORDERED that this Consent Agreement and Final Order (Docket No. T.S.C.A.-09-90-0002) be entered and Respondent shall pay within thirty days after receipt of a fully executed copy of this Consent Agreement and Final Order by cashier's check or certified check, made payable to the Treasurer, United States of America, and addressed as follows:

EPA - Region 9
Regional Hearing Clerk
P. O. Box 360863M
Pittsburgh, PA 15251,

a civil penalty in the amount of SIXTY-FIVE THOUSAND DOLLARS. A copy of the check shall be sent to the EPA Region 9 address specified in Article V above within thirty days after the execution of this Consent Agreement and Final Order. This order shall become effective immediately.

Date

STEVEN W. ANDERSON
Regional Judicial Officer
EPA
Region 9

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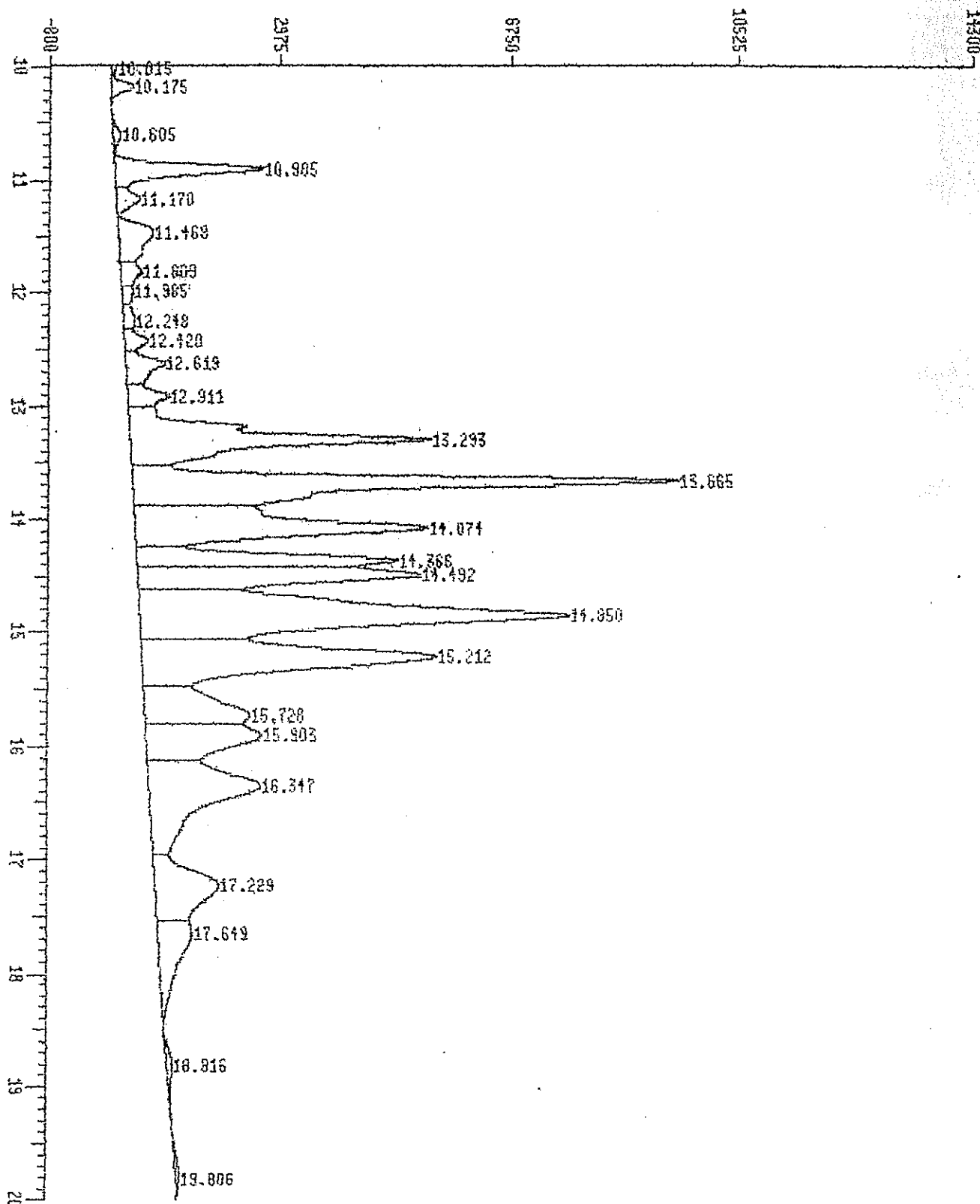
PRS

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1: Sig. 2 of PRS1211.0

12/11/89



End of plot. Time = 10.00 to 20.00 minutes

Chart speed = 1.99 cm/min

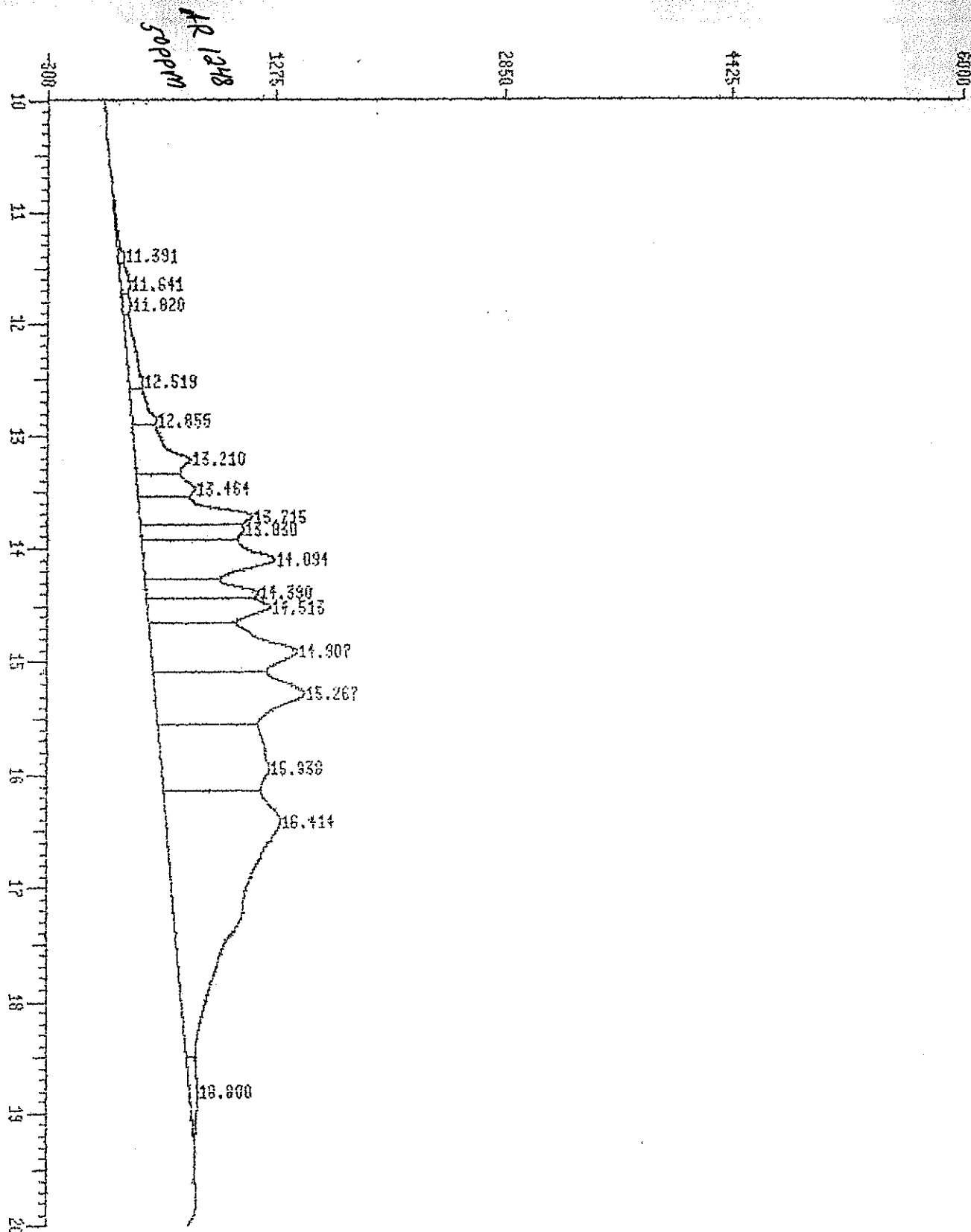
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15.869	VU	76504	466.91	2.452	39.81
16.623	VU	44755	159.28	1.434	23.29
17.167	VU	35856	288.24	1.149	18.66
17.427	VU	16462	82.2807	0.528	8.57
17.985	VU	22579	101.36	0.724	11.75
18.828	VU	16515	140.79	0.529	8.59
19.040	VU	12303	108.51	0.364	6.40

GC Signal 2		of PRS1211.D			
Ret Time	Type	Area	Height	Area %	Ratio %
=====					
0.393	BV	956390	14304	6.973	51.30
0.682	VU	1550737	14295	11.318	83.27
0.794	VU	632924	10538	4.620	33.99
1.493	VU	1862291	14264	13.592	100.00
1.562	VB	1510328	14261	11.024	81.10
5.132	BB	894.71	11.7648	0.007	0.05
5.833	BV	41621	176.44	0.304	2.23
6.594	VU	27376	225.45	0.200	1.47
7.855	PV	1362.09	13.4881	0.010	0.07
8.135	VU	1411.32	14.8833	0.010	0.08
8.354	VU	13611	208.96	0.099	0.73
8.579	VU	133138	1545.43	0.972	7.15
8.833	VU	400443	4784.81	2.923	21.50
8.047	VU	82703	936.92	0.604	4.44
9.365	VU	141705	2033.25	1.034	7.61
9.820	VU	2455.78	24.5801	0.019	0.13
10.015	VU	6032.62	72.0872	0.044	0.32
10.175	VU	21788	350.05	0.159	1.17
10.605	PV	10363	113.55	0.076	0.56
10.905	VU	167675	2398.29	1.224	9.00
11.170	VU	34860	383.23	0.254	1.87
11.468	VU	94128	573.58	0.687	5.05
11.809	VU	33933	342.94	0.248	1.82
11.985	VU	14902	178.36	0.109	0.80
12.248	VU	21420	188.92	0.156	1.15
12.420	VU	31468	384.41	0.230	1.69
12.619	VU	70598	640.68	0.515	3.79
12.911	VU	55968	666.19	0.408	3.01
13.293	VU	544667	4913.12	3.975	29.25
13.665	VU	829778	8927.62	6.056	44.56
14.074	VU	572898	4761.07	4.181	30.76
14.366	VU	301396	4247.94	2.200	16.18
14.492	VU	418113	4506.89	3.052	22.45
14.850	VU	1017119	7018.90	7.424	54.62
15.212	VU	677502	4784.58	4.945	36.38
15.728	VU	256516	1686.63	1.872	13.77
15.803	VU	284707	1867.74	2.078	15.29
16.347	VU	448809	1809.40	3.276	24.10
17.229	VU	241013	1032.82	1.759	12.94

57D

(3)

1: Sig. 2 of 1248D11.D



End of plot. Time = 10.00 to 20.00 minutes

Chart speed = 1.99 cm/min

*** Area Percent ***

Report by Signal

Operator: 11 Dec 88 2:50 pm
 Method File Name : METHOD.M
 Sample Info :
 Misc Info:
 Integration File Name : DEFAULT.I
 consisting of channels : 1. GC Signal 1 of 1248011.D
 2. GC Signal 2
 Bottle Number : 0 Repetition Number: 1

Ret Time	Type	Area	Height	Area %	Ratio %
13.959	BV	28378	51.6048	36.719	100.00
15.022	VB	16600	50.3517	21.479	58.49
16.407	BB	14546	31.4670	18.821	51.26
18.377	BB	17761	41.4409	22.981	62.59

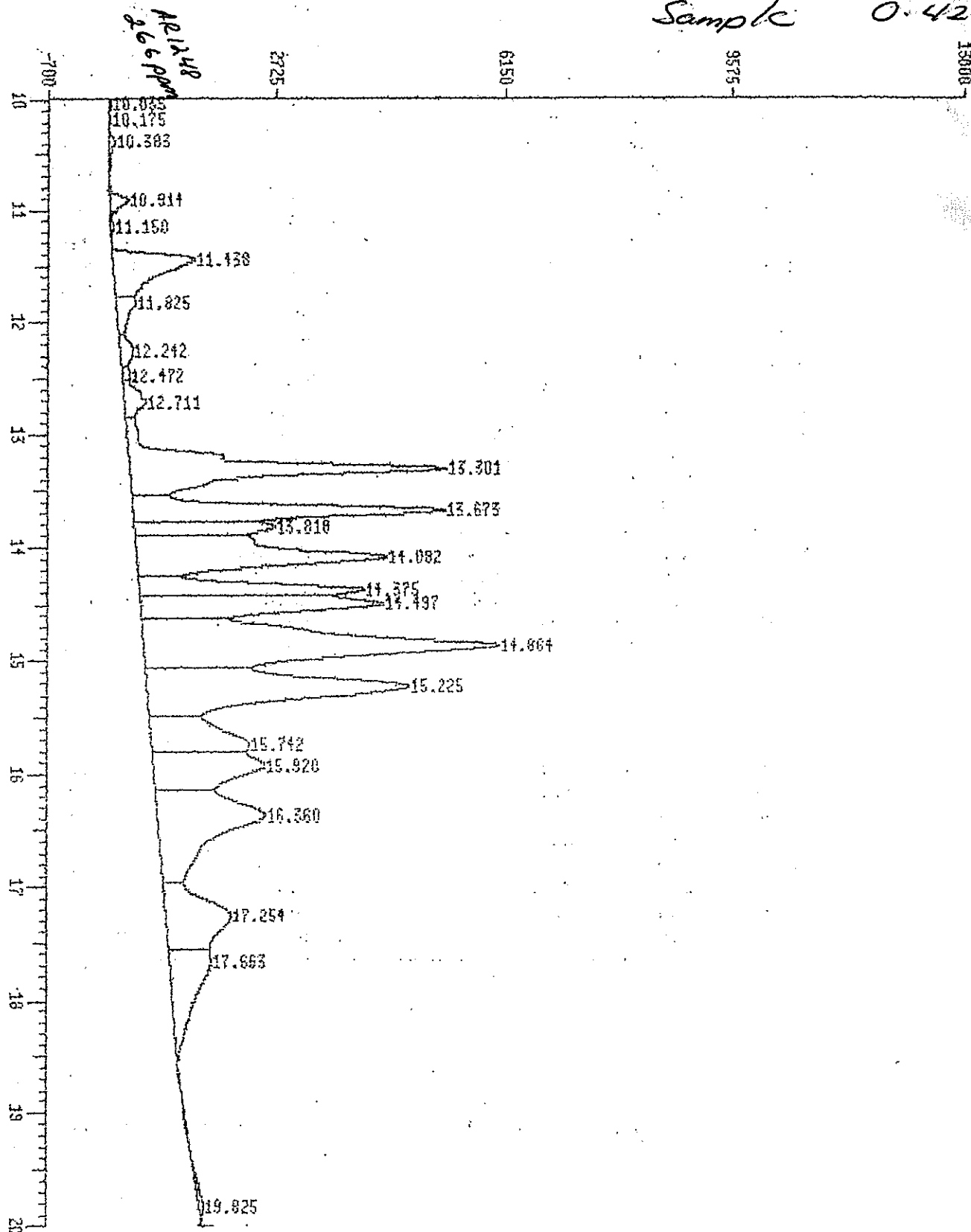
Ret Time	Type	Area	Height	Area %	Ratio %
0.296	BV	286.90	16.5026	0.014	0.05
0.354	VV	20192	751.48	0.963	3.49
0.398	VV	8903.73	328.87	0.425	1.54
0.599	VV	37870	869.94	1.807	6.55
0.816	VB	3208.34	67.0237	0.153	0.55
1.426	BB	96822	1459.14	4.620	16.73
11.380	PV	5294.41	40.8896	0.253	0.92
11.841	VV	8904.10	61.8548	0.425	1.54
11.820	VV	5726.03	59.3492	0.273	0.99
12.519	VV	27067	102.75	1.291	4.68
12.855	VV	24530	171.74	1.170	4.24
13.210	VV	65496	376.82	3.125	11.32
13.464	VV	44100	390.99	2.104	7.62
13.715	VV	88660	764.52	4.230	15.32
13.830	VV	49525	699.55	2.368	8.58
14.094	VV	153112	895.13	7.305	26.46
14.380	VV	64555	768.18	3.080	11.16
14.513	VV	96460	835.00	4.602	16.67
14.907	VV	212127	1000.83	10.121	36.66
15.267	VV	239902	1023.18	11.446	41.46
15.938	VV	245796	734.33	11.727	42.48
16.414	VV	578593	779.65	27.806	100.00
18.800	VB	19695	54.8383	0.892	3.23

Quant

5

1: Sig. 2 of PRSQUAN.D

Isooctane 2.9125
Sample 0.4218



End of plot. Time = 10.00 to 20.00 minutes Chart speed = 1.99 cm/min

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*** Area Percent ***

Report by Signal

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Operator: 11 Dec 89 2:20 pm

Method File Name: METHOD.M

Sample Info:

Misc Info:

Integration File Name: DEFAULT.I

consisting of channels: 1. GC Signal 1 of PRSQUAN.D

2. GC Signal 2

Bottle Number: 0 Repetition Number: 1

		GC Signal 1		of PRSQUAN.D		
Ret Time	Type	Area	Height	Area %	Ratio %	
12.792	BV	9248.20	13.4810	3.388	12.74	
12.919	VB	222.48	6.9156	0.082	0.31	
14.078	BV	36467	79.3810	13.359	50.23	
15.035	VV	72593	112.38	26.594	100.00	
15.915	VV	22255	94.7727	8.153	30.58	
16.389	VV	58608	126.13	21.470	80.73	
17.403	VV	25314	71.4025	9.274	34.87	
18.247	VV	48261	71.8975	17.680	66.48	

		GC Signal 2		of PRSQUAN.D		
Ret Time	Type	Area	Height	Area %	Ratio %	
0.392	BV	918121	14317	7.561	27.76	
0.682	VV	1524973	14313	12.559	45.11	
0.801	VV	533895	7779.26	4.397	15.14	
1.562	VV	3307563	14298	27.239	100.00	
2.632	VV	188982	537.28	1.556	5.71	
3.625	VV	63090	342.76	0.520	1.91	
3.959	VV	59923	336.30	0.493	1.81	
4.187	VV	77397	286.26	0.637	2.34	
4.960	VV	60781	229.55	0.501	1.84	
5.754	VV	25688	164.19	0.212	0.78	
8.004	VV	35222	145.24	0.290	1.06	
8.623	VV	29900	220.83	0.246	0.90	
8.893	VV	18493	127.89	0.152	0.56	
7.334	VV	8856.70	68.0765	0.073	0.27	
7.536	VV	7999.17	72.5996	0.066	0.24	
8.036	VV	3779.84	29.5805	0.031	0.11	
8.344	VV	953.86	11.9569	0.008	0.03	
8.601	PV	137892	1142.39	1.136	4.17	
9.073	VV	51285	562.39	0.422	1.55	
9.390	VV	20644	250.70	0.170	0.62	
9.803	VV	1549.90	27.2925	0.014	0.05	
10.035	VV	2820.93	33.2469	0.023	0.09	
10.175	VV	1482.90	26.3779	0.012	0.04	
10.383	VV	8970.60	89.1275	0.074	0.27	
10.914	PV	19445	278.04	0.160	0.59	
11.150	VV	2719.31	32.1277	0.022	0.08	
11.438	PV	170712	1227.29	1.406	5.16	
11.825	VV	34718	291.23	0.286	1.05	
12.242	VV	25352	193.35	0.209	0.77	
12.472	VV	8268.64	113.41	0.068	0.25	

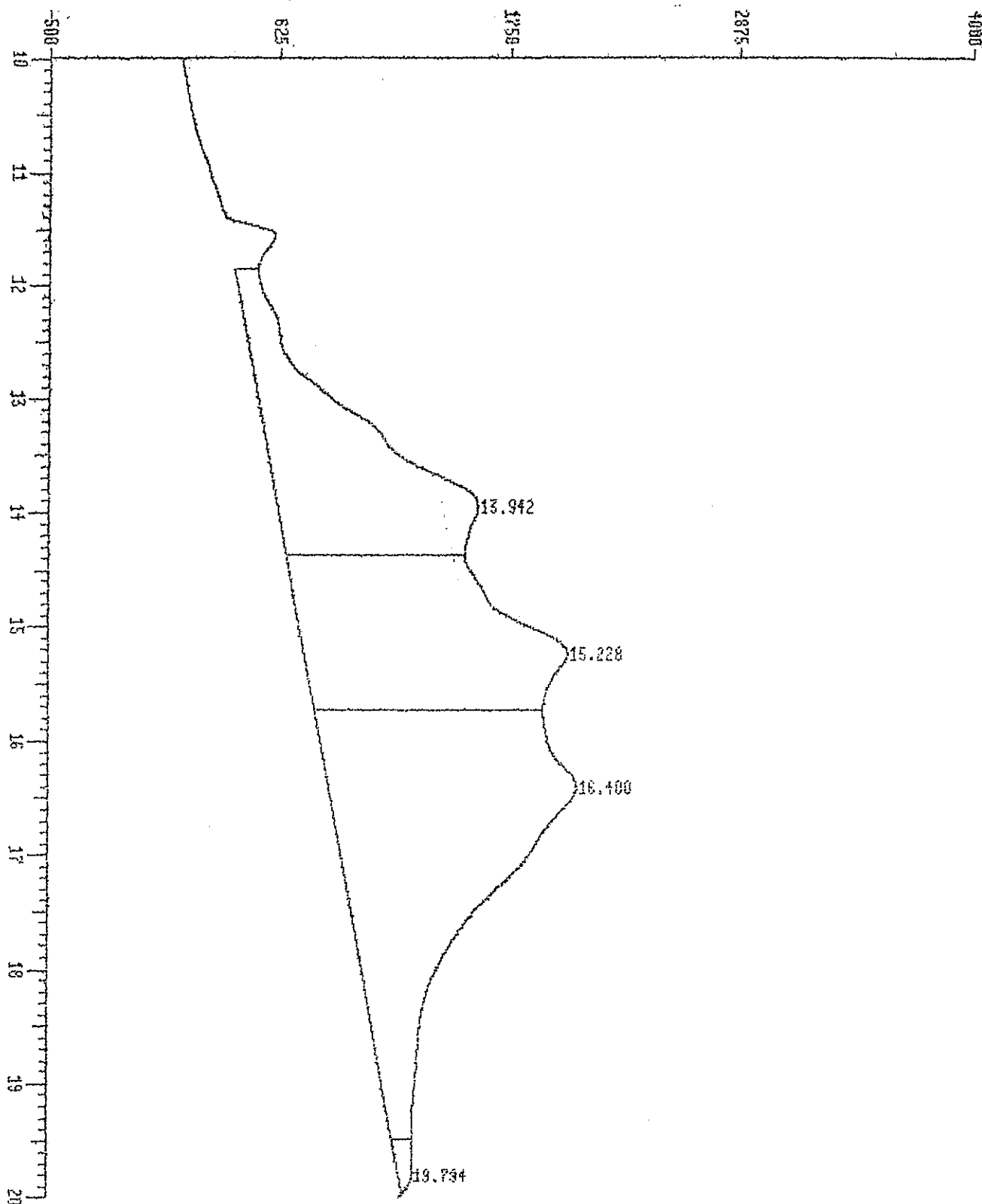
13.673	UV	359968	4545.37	2.962	10.87
13.818	UV	134076	2093.67	1.104	4.05
14.082	UV	455095	3727.13	3.830	14.06
14.375	UV	236138	3342.10	1.945	7.14
14.497	UV	325567	3618.02	2.581	8.84
14.964	UV	799002	5283.33	6.580	24.16
15.225	UV	575131	3803.32	4.736	17.39
15.742	UV	218612	1442.16	1.800	6.61
15.920	UV	266439	1655.07	2.194	8.06
16.360	UV	435155	1802.82	3.584	13.16
17.254	UV	251222	878.62	2.069	7.60
17.663	UV	192165	610.01	1.583	5.81
19.825	PBA	8181.51	58.6421	0.067	0.25

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1: Sig. 2 of PRSRESMP.D



End of plot. Time = 10.00 to 20.00 minutes

Chart speed = 1.99 cm/min

PRS
Quant

12/11/89

Retention Time	PRS Area	STD Area	PRS/ STD
13.301	481707	44100	10.9231
13.673	35968	88640	0.4057
13.818	134076	49525	2.7072
14.082	455095	153112	2.9723
14.375	236138	64555	3.6579
14.497	325567	96460	3.3751
14.864	799002	212127	3.7666
15.225	575131	239902	<u>2.3974</u>

AC 3.7757

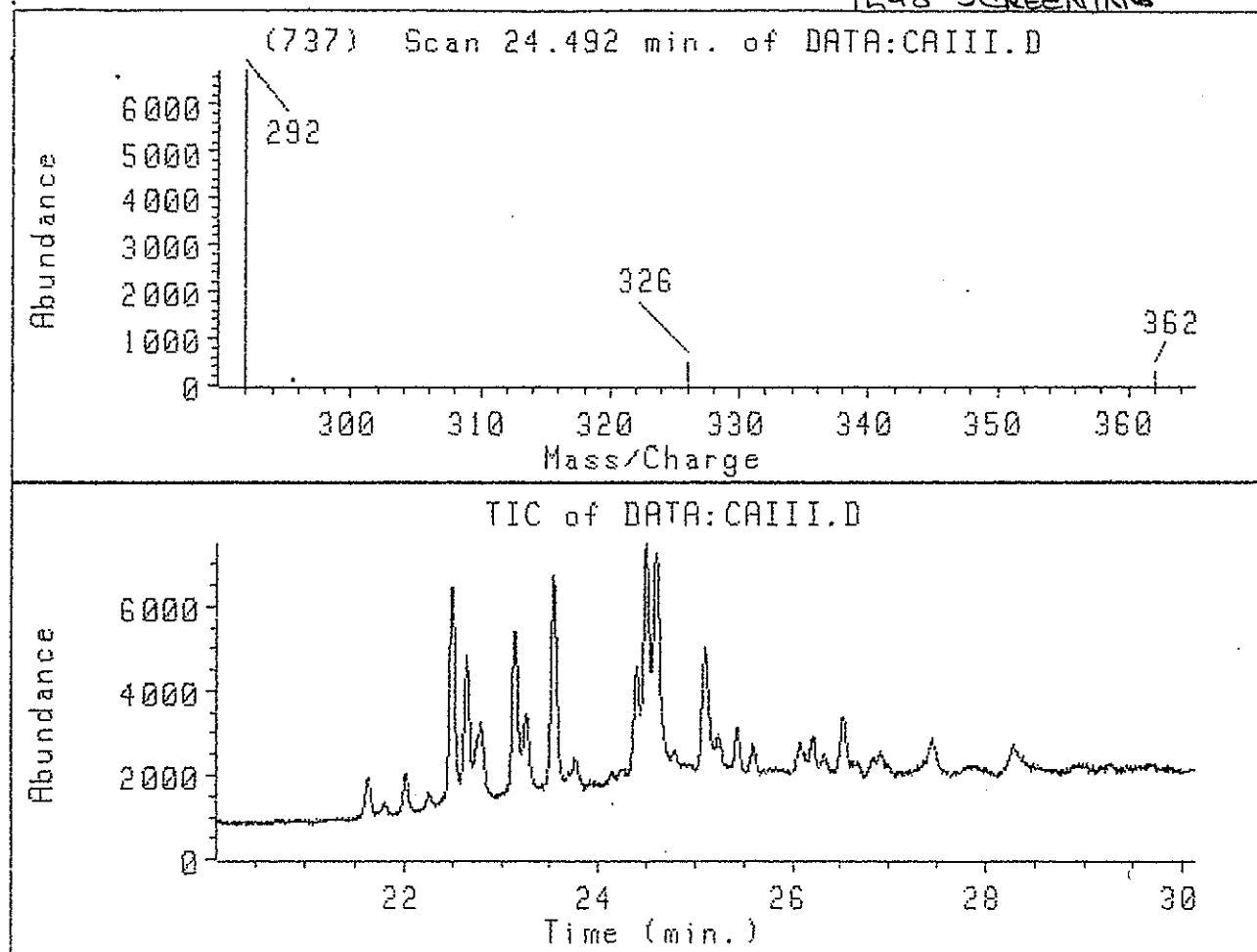
3.7757
-10

$$(3.7757)(10) \quad \frac{2.9723}{0.4218}$$

$$(3.7757)(10) \quad (7.0472) = 266$$

PETROLEUM RECYCLING

1248 SCREENING



Xenia GC/MS Rec'd 12/21/89
Rejected load 12/11/89 for 266 ppm
Anoclor 1248



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

March 18, 1991

FAX (415) 397-1339

Margaret A. Pietrasz, Esquire
Jaffee, Trutanich, Scatena & Blum
250 Montgomery Street, Suite 900
San Francisco, CA 94104

Re: Petroleum Recycling Corporation
TSCA-09-91-0002

Dear Ms. Pietrasz:

We are in receipt of your correspondence dated March 5, 1991, and the accompanying document. We have submitted the information forwarded by your letter to one of the Agency's laboratories and their response is that the data submitted is not sufficient to determine your client's test methods and whether or not the test methods are designed to detect the presence of PCBs.

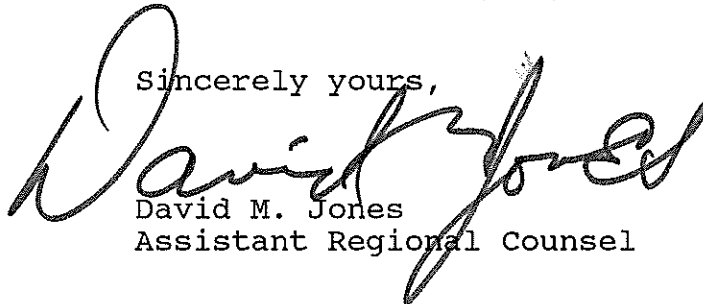
Accordingly, we respectfully request that you submit the following additional information:

1. A detailed description of the halide test used for incoming analysis of waste oil and a copy of the test results. If the test is part of a kit, please indicate the name and address of the manufacturer of the test equipment.

2. The name and description of the method used for the analysis of samples of waste oils for PCB concentration. Please supply a copy of the analytical method and test results.

If you have any questions regarding the requests set out above, please feel free to contact me at (415) 744-1314 at your convenience.

Sincerely yours,



David M. Jones
Assistant Regional Counsel



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street
San Francisco, Ca. 94105

DEC 5 1990

Certified Mail No. P 841 509 843
Return Receipt Requested
In Reply: ORC
Refer To: TSCA-09-91-0002

R. D. McAuley
President
Petroleum Recycling Corporation
2651 Walnut Avenue
Signal Hill, CA. 90806

Subject: Petroleum Recycling Corporation
Complaint and Notice of Opportunity for Hearing
Docket No. TSCA-09-91-0002

Dear Mr. McAuley:

Enclosed please find a Complaint and Notice of Opportunity for Hearing concerning violations of the Toxic Substances Control Act (TSCA), 15 USC 2601 et seq.

The Complaint and Rules of Practice, 40 CFR Part 22, set forth the alternatives available to you in responding to the alleged facts, violations, proposed penalty, and opportunity for a hearing. It should be emphasized that if you wish to request a hearing and avoid being found in default, you must file a written Answer within twenty (20) days of your receipt of the Complaint.

A report summarizing the results of EPA's inspection of your facility is also enclosed for your information.

Whether or not you choose to request a hearing, you are encouraged to explore the possibility of settlement by contacting David M. Jones, Assistant Regional Counsel, U.S. Environmental Protection Agency, Region 9, 75 Hawthorne Street, San Francisco, California 94105, telephone number (415) 744-1314.

Sincerely,

A handwritten signature in dark ink, appearing to read "David P. Howekamp".

David P. Howekamp, Director
Air and Toxics Division

Enclosures

cc: Nennet Alvarez
California Department of Health Services

Printed on Recycled Paper

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FILED

DEC 05 1990

ENVIRONMENTAL PROTECTION AGENCY
REGION IX
HEARING CLERK

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 9

In re:) Docket No. TSCA-09-91-0002
PETROLEUM RECYCLING CORPORATION) COMPLAINT
AND
Respondent.) NOTICE OF OPPORTUNITY
FOR HEARING

I

COMPLAINT

This is a civil administrative action instituted pursuant to Section 16(a) of the Toxic Substances Control Act (TSCA), 15 U.S.C. 2615(a). The Complainant is the United States Environmental Protection Agency (EPA), Region 9. The Respondent is Petroleum Recycling Corporation, which is, and was at all times relevant to this Complaint, a California corporation, with a place of business located at 2651 Walnut Avenue, Signal Hill, California.

The Administrator of the EPA is authorized by TSCA Section 16(a)(1), 15 U.S.C. Section 2615(a)(1), to assess a civil penalty

1 not to exceed \$25,000 per day for each violation of TSCA Section
2 15 (15 U.S.C. 2614). Authority to file a complaint to assess a
3 civil penalty has been delegated to the Regional Administrator of
4 the EPA, Region 9, by EPA Order 1200 TN 103, and by the Regional
5 Administrator to the Director, Air and Toxics Division, by EPA
6 Regional Order 1290.2A.

7 This Complaint and Notice of Opportunity for Hearing
8 (Complaint) serves as notice that the Complainant has reason to
9 believe that the Respondent has violated Section 15 of TSCA, 15
10 U.S.C. 2614, as follows:

11 COUNT I

- 12 1. Petroleum Recycling Corporation, a "person" within the
13 meaning of 40 C.F.R. 761.3 (hereinafter "Respondent")
14 operates plants at Signal Hill, California, Fontana
15 California, and San Diego, California and corporate business
16 offices located at 2651 Walnut Avenue, Signal Hill,
17 California (hereinafter collectively referred to as
18 "Facility").
- 19 2. On April 2, 1990, a representative of the U.S EPA conducted
20 an inspection of the Facility to determine compliance with
21 40 CFR Part 761 et seq., governing PCBs.
- 22 3. At the time of the inspection, the Inspector observed that
23 the Respondent engaged in the business of processing and
24 distributing in commerce used oil fuels to burners or other
25 marketers, and therefore is subject to the requirements of
26 40 C.F.R. Part 761.3 which regulate the marketing of used
27 oil.

1 4. Used oil to be burned for energy recovery is presumed to
2 contain quantifiable levels (2 ppm) of PCB unless the
3 marketer obtains analyses (testing) or other information
4 that the used oil fuel does not contain quantifiable levels
5 of PCBs. The person who first claims that a used oil fuel
6 does not contain quantifiable level (2 ppm) PCB must obtain
7 analyses or other information to support that claim.
8 Marketers who first claim that the used oil fuel contains no
9 detectable PCBs must include among the records required by
10 40 C.F.R. 266.43(b)(6)(i) copies of the analysis or other
11 information documententing his claim, and he must include
12 among the records required by 40 C.F.R. 266.43(b)(6)(ii), a
13 copy of each certification notice received or prepared
14 relating to transactions involving PCB-containing used oil.
15 40 C.F.R. 761.20(e).

16 5. At the time of the inspection, the Inspector observed that
17 the Respondent claimed that each load of used oil comprising
18 the waste oil contained in tank number 402 at the Signal
19 Hill facility and shipped for diposal to Systech
20 Environmental on or about December 11, 1989, did not contain
21 quantifiable levels of PCBs without having accurate analysis
22 (testing) or other information to support that claim, and
23 that the Respondent failed to maintain copies of the
24 analysis of each of the loads or other information
25 documenting this claim, in violation of 40 C.F.R. 761.20(e)
26 and 15 U.S.C. 2614(1)(C).

27 ///

COUNT II

- 1
2 1. Count II incorporates by reference the allegations contained
3 in Paragraphs Numbered 1 and 2 of Count I as if fully
4 recited herein.
- 5 2. At the time of the inspection, the Inspector observed that
6 the Respondent engaged in the business of processing and
7 distributing in commerce used oil fuels to burners or other
8 marketers.
- 9 3. Unless otherwise specifically provided, PCBs at
10 concentrations of 50 ppm or greater must be disposed of in
11 an EPA approved incinerator, chemical waste landfill, or
12 high efficiency boiler. 40 C.F.R. 761.60(a).
- 13 4. "Disposal" means intentionally or accidentally to discard,
14 throw away, or otherwise complete or terminate the useful
15 life of PCBs and PCB Items. Disposal includes spills,
16 leaks, and other uncontrolled discharges of PCBs as well as
17 actions related to containing, transporting, destroying,
18 degrading, decontaminating, or confining PCBs and PCB Items.
- 19 5. At the time of inspection, the Inspector determined that, on
20 or about December 11, 1989, the Petroleum Recycling
21 Corporation disposed of waste oil containing approximately
22 266 ppm PCBs at a facility that is not an EPA approved
23 incinerator, chemical waste landfill, or high efficiency
24 boiler that meets the criteria stated at 40 C.F.R. Part
25 761.60. 761.65 and 761.75, in violation of 40 C.F.R.
26 761.60(a) and 15 U.S.C. 2614(1)(C).
- 27 ///

COUNT III

1. Count III incorporates by reference the allegations contained in Paragraphs Numbered 1 and 2 of Count I as if fully recited herein.
2. At the time of the inspection, the Inspector observed that from about December 12, 1989 until on or about March 31, 1990, the Respondent stored PCBs for disposal at the Respondent's Fontana, California facility and therefore is subject to the requirements of 40 C.F.R. 761.65 which regulates storage for disposal for PCBs and PCB Items.
3. PCB storage for disposal regulations at 40 C.F.R. Part 761.65 apply to the storage for disposal of PCBs at concentrations of 50 ppm or greater and PCB Items with PCB concentrations of 50 ppm or greater.
4. Storage containers for liquid PCBs can be larger than the containers specified at 40 C.F.R. Part 761.65(c)(6) provided that the containers the containers are designed, constructed, and operated in compliance with Occupational Safety and Health Standards, 29 C.F.R. 1910.106 and that the owners or operators of any facility using containers described in paragraph (c)(7)(i) of this section shall prepare and implement a Spill Prevention Control and Countermeasure (SPCC) Plan as described in Part 112 of this title. Storage containers provided in paragraph (c)(7) of this section shall have a record that includes for each batch of PCBs the quantity of the batch and date the batch was added to the container. The record shall also include

1 the date, the quantity, and disposition of any batch of PCBs
2 removed from the container. 40 C.F.R. 761.65(c)(7) and (8).
3 5. At the time of the inspection, the Inspector observed that
4 during the time PCBs were stored at the Respondent's
5 Fontana, California facility, the Respondent had failed to
6 prepare and implement a Spill Prevention Control and
7 Countermeasure Plan as described in 40 C.F.R. Part 112 and
8 had failed to maintain a record that included all required
9 information listed at 40 C.F.R. 761.65(c)(8) for each batch
10 of PCBs added to and removed from the storage tank at the
11 Fontana facility, all in violation of 40 C.F.R. 761.65(c)
12 and 15 U.S.C. 2614(1)(C).

13 II

14 PROPOSED CIVIL PENALTY

15 Section 16(a) of TSCA, 15 USC 2615(a), authorizes a civil
16 penalty of up to \$25,000 per day for each violation of Section 15
17 of TSCA, 15 USC 2614. The civil penalty assessment is derived
18 through application of the "Guidelines for Assessment of Civil
19 Penalties Under Section 16 of the Toxic Substances Control Act;
20 PCB Penalty Policy" Federal Register, Vol. 55, No. 72 (April 13,
21 1990). Based upon the foregoing Guidelines, EPA proposes to
22 assess the following civil penalty:

23

24 COUNT I

25 IMPROPER MARKETING (Failure to support claim
26 that used oil contained less than 2 ppm
PCBs).....\$20,000.00
40 C.F.R. 761.20(e)
27 15 U.S.S. 2614 (1)(C)

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COUNT II

DISPOSAL VIOLATION (Improper disposal of
PCBs).....\$25,000.00
40 C.F.R. 761.60(a) and (d)
15 U.S.C. 2614 (1)(C)

COUNT III

STORAGE FOR DISPOSAL VIOLATION (Failure to prepare
and maintain SPCC Plan and to maintain records of PCBs
added to and removed from storage tank).....\$ 20,000.00
40 C.F.R. 761.65
15 U.S.C. 2614 (1)(C)

Total Proposed Penalty.....\$ 65,000.00

III

NOTICE OF OPPORTUNITY FOR HEARING

You have the right to request a hearing on any material fact
contained in the Complaint or the amount of the proposed penalty.
If you wish to request a hearing and avoid being found in
default, you must file a written Answer to the Complaint with the
Regional Hearing Clerk, EPA Region 9, 75 Hawthorne Street, San
Francisco, California 94105, within twenty (20) days of your
receipt of the Complaint. The Answer must clearly and directly
admit, deny, or explain each of the factual allegations contained
in the Complaint with regard to which you have any knowledge. A
failure to admit, deny, or explain any material fact allegation
will constitute an admission of the allegation. The Answer must
also state (1) the circumstances or arguments which constitute
the grounds of defense, (2) the facts which you intend to place
at issue, and (3) whether a hearing is requested.
If you fail to file a written Answer within twenty (20) days
of your receipt of the Complaint, you may be found in default.

1 Your default will constitute an admission of all facts alleged in
2 the Complaint and a waiver of your right to a hearing. The
3 penalty proposed in the Complaint will be imposed without further
4 proceedings.

5 The public hearing that you request will be held in a
6 location determined in accordance with 40 C.F.R. Part 22. The
7 hearing will be conducted in accordance with the provisions of
8 the Administrative Procedure Act, 5 U.S.C. 552 et seq., and the
9 Rules of Practice, 40 CFR Part 22 (45 F.R. 26360), a copy of
10 which accompanies the Complaint.

11 IV

12 SETTLEMENT CONFERENCE

13 Whether or not you request a hearing, you may confer
14 informally with EPA to discuss the alleged facts, violations or
15 amount of the proposed penalty. An informal conference does not,
16 however, affect your obligation to file a written Answer within
17 twenty (20) days of your receipt of the Complaint.

18 Any settlement reached as a result of an informal conference
19 will be embodied in a written Consent Agreement and Order. The
20 issuance of the Consent Agreement and order will constitute a
21 waiver of your right to a hearing on any matter to which you have
22 stipulated.

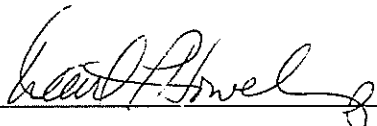
23 If a settlement cannot be reached through an informal
24 conference, the filing of a written Answer within twenty (20)
25 days of your receipt of the Complaint will preserve your right to
26 a hearing.

27 ///

1 EPA encourages all parties against whom a penalty is
2 proposed to explore the possibility of settlement. To request an
3 informal conference, you should contact David M. Jones, Assistant
4 Regional Counsel, EPA, Region 9, 75 Hawthorne Street, San
5 Francisco, California 94103, telephone number (415) 744-1314.

6
7
8 12/4/90

9 Date

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11 _____
12 David P. Howekamp
13 Director
14 Air and Toxics Division
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CERTIFICATION OF SERVICE

I hereby certify that the original and one copy of the foregoing Complaint and Notice of Opportunity for Hearing, Docket No. TSCA-09-91-0002 was filed with the Regional Hearing Clerk, Environmental Protection Agency, Region 9, and that a copy addressed as follows, was served by mailing certified mail, return receipt requested, postage prepaid, in a United States Postal Mail Box, at City and County of San Francisco, California, on the 5th day of December, 1990:

R. D. McAuley
President
Petroleum Recycling Corporation
2651 Walnut Avenue
Signal Hill, CA 90806

Certified Mail No.
P-841 509 843

Dated at City and County of San Francisco, California, this
5th day of December, 1990.

 for
Greg Pennington, Secretary
Pesticides and Toxics Branch
Air and Toxics Division
EPA, Region 9

JAFFE, TRUTANICH, SCATENA & BLUM
A PROFESSIONAL LAW CORPORATION

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2344 TULARE STREET, SUITE 400
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SAN FRANCISCO, CA 94104
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FAX: (415) 397-1339

LOS ANGELES
615 WEST 9TH STREET
SAN PEDRO, CA 90731
TELEPHONE: (213) 548-0410
FAX: (213) 832-3394

PLEASE REPLY TO: SAN FRANCISCO

Via Facsimile and US Mail

October 31, 1991

Mr. David M. Jones
Assistant Regional Counsel
Environmental Protection Agency
Region 9
75 Hawthorne Street
San Francisco, CA 94105

RE: Petroleum Recycling Corporation
Docket No. TSCA-09-91-0002

Dear Mr. Jones:

This is to follow-up on my telephone message of earlier today.

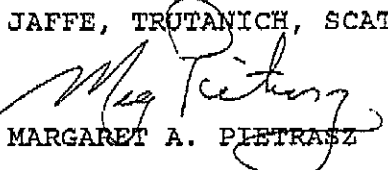
PRC is not presently in a financial position to make a lump-sum payment of thirty-five thousand dollars. PRC believes it will be able to pay the penalty in \$5,000 monthly installments, with the first payment due within thirty days of the signing of the settlement documents.

Please let me know if this is acceptable to you.

Thank you very much for your cooperation in this matter.

Very truly yours,

JAFFE, TRUTANICH, SCATENA & BLUM


MARGARET A. PIETRASZ

MAP/klc
156-374

cc: Kathleen Tripple

JAFFE, TRUTANICH, SCATENA & BLUM
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TELECOPY TRANSMITTAL FORM

PLEASE REPLY TO: SAN FRANCISCO

DATE:

10-31-91

FAX NO.:

744-1041

PLEASE DELIVER THE FOLLOWING 2 PAGES INCLUDING COVER PAGE TO:

ATTENTION:

David M. Jones

COMPANY:

Assistant Regional Counsel

FROM:

Meg Pietrasz

REGARDING:

 ORIGINAL WILL NOT FOLLOW.

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If there is a problem with receipt of this transmission, please contact Depest at 415/397-9006. Client No. 156-0374

- 1) Perkin Elmer, model 8500 Gas Chromatograph, with PID/Hall Detector, LSC-2000 (liquid sample concentrator), ALS-2016 automatic sampler module for LSC-2000 with capability for sixteen discrete samplers.
- 2) Perkin Elmer, Model 8500 Gas Chromatograph, with ECD Detector and data handling system.
- 3) S.R.I. Model 8610 Gas Chromatograph with ECD/FID Detectors.
- 4) ARL model 3410 inductively coupled plasma (ICP) Spectrometer.
- 5) Infrared Analyzer (Foxboro, Miran IFF).
- 6) UV/VIS Scanning Spectrophotometer (Hitachi Model # u-2000)
- 7) Perkin Elmer, Model 303 Atomic Absorption Spectrophotometer.
- 8) Isoperibol Calorimeter (Parr Model # 1261 & 1563)
- 9) Lab-Line Say Bolt Visometer (CAT # 4510).
- 10) Centrifuge (Precision CAT # 673 10/12).
- 11) Centrifuge (Bico, Model # Vertical).
- 12) Lab-line oven (Model # 3512 - 1).
- 13) Ultra Sonic Cleaner (Mettler Electronics Model # ME 4.6).
- 14) Zero - Head Extractor (2 ea) for T.C.L.P. (Model # Gezman 15400).
- 15) Rotary Agitators for TCLP (Analytical Testing & Consulting Services, Inc. Model # DC-20).
- 16) Pensky-Martin Flash Tester (Fisher Scientific Co. Model # 13-97-5).
- 17) Flash Tester (ERDCO Model # RT 01-600).
- 18) PH Meter (Beckman, Model # 10).
- 19) PH Meter (Orion Research Model # 501).

- 20) Analytical Balance (Ohaus Model # GA 200 D).
- 21) Halide Analyzer (Dohrman, Model # DX20B+AD3).
- 22) Moisture Analyzer (EM Science, Model # Adua Star C-2000).

- 1) Perkin Elmer Gas Chromatograph, model # 8500. with ECD/FID Detector and Data Handling System.
- 2) Halide Analyzer (Dohrman, Model # DX-20B).
- 3) Perkin Elmer Atomic Absorption Spectrophotometer Model # 305B.
- 4) Pensky - Martin Flash Tester (Precision Scientific Y. Model # PMCC).
- 5) PH Meter (Corning, Model # 106).
- 6) Analytical Balance (Ohaus Model # GA 200D).
- 7) Viscometer (Precision Scientific, Model # 74966).
- 8) Moisture Analyzer (EM Science, Model # Aduastar C 2000).
- 9) Bomb Calorimeter (PARR # 1341).
- 10) Centrifuge (IEC, Model # size 1, type C).
- 11) Centrifuge (IEC, Model # size 2, type V).

- 1) Perkin Elmer Gas Chromatograph, model # N-611-9000 (Auto System) with FID/ECD Detectors and Autosampler.
- 2) Perkin Elmer Atomic Absorption Spectrophotometer, Model # 303 B.
- 3) Halide Analyzer (Dohrmann, Model # DX-20B+AD3).
- 4) PH Meter (Orion, Model #250A).
- 5) Moisture Analyzer (EM Science, Model # Aquastar C-2000).
- 6) Analytical Balance (Mettler, Model # H 35 AR).
- 7) Centrifuge (International, Model # 240).
- 8) Pensky-Martin Flash Tester (Precision Scientific, CAT #74537).
- 9) Viscometer (Precision Scientific, CAT # 71474944-16)
- 10) Bomb Calorimeter (Parr, Model #1341).